

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

EMPLOYERS MUTUAL CASUALTY	)	
COMPANY, an insurance company	)	
incorporated in the State of Iowa;	)	
	)	CIVIL ACTION NUMBER
Plaintiff,	)	
	)	CV 2:07 CV 322-WHA
V.	)	
	)	
SUMMERLIN CONSTRUCTION CO.,	)	
INC., STERLING HUDSON and	)	
CHERI HUDSON.	)	
	)	
Defendants.	)	

**JOINT MOTION TO STAY ACTION**

Plaintiff, Employers Mutual Casualty Company (“EMCC”) and Defendant Summerlin Construction Company, Inc., by and through their undersigned counsel, hereby jointly request the Court Stay this action and suspend any and all deadlines currently pending for 180 days. In support of said motion the parties jointly state as follows:

1. This action is a declaratory judgment action wherein EMCC is seeking a determination of rights regarding Commercial General Liability Policy Number 2D0-78-03-06 issued to Defendant Summerlin Construction Company, Inc. arising out of an action in the Circuit Court of Montgomery County, styled, Sterling and Cheri

Hudson v. Summerlin Construction, et al, docket number CV 06-3225  
("the underlying action").

2. The underlying action was recently dismissed without prejudice due to an arbitration agreement.
3. The claim giving rise to the underlying action is still active.
4. Sterling and Cheri Hudson, the plaintiffs in the previous underlying action, may pursue their claim in an arbitration forum.
5. The parties are requesting that the Court Stay this action until the underlying claim is filed in the arbitration forum or formally dismissed with prejudice.
6. The parties are requesting that the Court suspend any and all deadlines currently pending.
7. If the Court so desires, EMC will provide periodic status reports to the Court regarding the filing of the arbitration claim and/or formal dismissal with prejudice.

Wherefore the parties jointly request this Honorable Court Stay this action and suspend any and all deadlines currently pending for 180 days.

/s/James A. Kee, Jr. ASB-4314-e68j  
/s/Cynthia A. Martin ASB-2044-i49c  
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